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6 *Attorneys for Defendant National Academy of*
7 *Recording Arts & Sciences, Inc.*

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 DARRYL PAYNE,

12 Plaintiff,

13 v.
14

15 BARRY MANILOW, an individual;
STILETTO ENTERTAINMENT, a
16 business entity; GARRY C. KEIF, an
individual; JUDY GARLAND HEIRS'
TRUST, a business entity; AEG LIVE,
17 LLC, a limited liability company; AEG
LIVE PRODUCTIONS, LLC, a limited
18 liability company; CLIVE DAVIS, an
individual; NATIONAL ACADEMY OF
19 RECORDING ARTS & SCIENCES,
INC., a Delaware nonstock corporation;
20 LIZA MINELLI, an individual; LORNA
LUFT, an individual; JOEY LUFT, an
21 individual; MADISON SQUARE
GARDEN COMPANY, a Delaware
22 corporation; LIVE NATION
ENTERTAINMENT, INC., a Delaware
23 corporation; and DOE 10, inclusive,

24 Defendants.
25

Case No. 2:18-cv-03413-PSG-PLA

**DECLARATION OF JENNIFER L.
JONES IN SUPPORT OF
DEFENDANT NATIONAL
ACADEMY OF RECORDING ARTS
& SCIENCES, INC.'S MOTION TO
DISMISS FOURTH AMENDED
COMPLAINT**

Date: February 25, 2019
Time: 1:30 p.m.
Courtroom: 6A
Judicial Officer: Hon. Philip S.
Gutierrez

1 I, Jennifer L. Jones, declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and I
3 am admitted to practice before this Court. I am associated with the law firm
4 Proskauer Rose LLP, counsel for Defendant National Academy of Recording Arts
5 & Sciences, Inc. (“the Recording Academy”) in the above-entitled action. I have
6 personal knowledge of the facts set forth below, and if called as a witness, I could
7 testify truthfully thereto.

8 2. This declaration is submitted in support of the Recording Academy’s
9 motion to dismiss the Fourth Amended Complaint, and to satisfy the obligations of
10 Local Rule 7-3.

11 3. On December 7, 2018, I met and conferred with Plaintiff’s counsel,
12 W. Gary Kurtz. At that time, I explained to counsel the substance of the Recording
13 Academy’s anticipated motion and requested that the Recording Academy be
14 voluntarily dismissed from the suit.

15 4. Plaintiff’s counsel has declined to dismiss the causes of action
16 asserted against the Recording Academy in the Fourth Amended Complaint.

17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.

19
20 Dated: December 14, 2018

By: /s/ Jennifer L. Jones

Jennifer L. Jones